

Court of Appeals, State of Michigan

ORDER

People of MI v Ernest Moore

Docket No. 265773

LC No. 2002-003661-FC

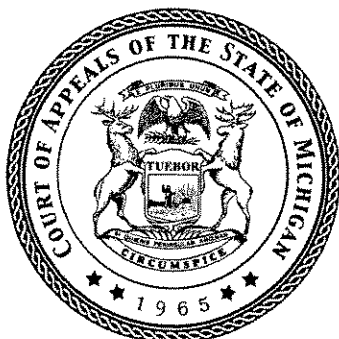
Michael J. Talbot
Presiding Judge

E. Thomas Fitzgerald

Michael R. Smolenski
Judges

The Court orders that the motion to waive fees is GRANTED for this case only.

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court orders that the May 9, 2005 order of the circuit court is VACATED, and the matter is REMANDED to that court for further proceedings consistent with this order. The record shows that the court heard oral argument by the prosecutor on defendant's motion for relief from judgment, but did not appoint counsel to represent defendant at that hearing, as required by MCR 6.505(A). On remand, the circuit court must appoint counsel to represent the defendant, and then reconsider defendant's motion for relief from judgment after hearing oral argument by appointed counsel and the prosecutor. The court is then to issue a new order granting or denying relief from judgment. *People v Page*, 463 Mich 1008; 627 NW2d 598 (2001). We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 04 2006

Date

Sandra Schultz Mengel
Chief Clerk